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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/523,313	03/10/2000	Tony Gerard Rose	1263.0805	5129

5514 7590 04/14/2003

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EXAMINER

FILIPCZYK, MARCIN R

ART UNIT	PAPER NUMBER
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2171

DATE MAILED: 04/14/2003

/8

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/523,313

Applicant(s)

ROSE, TONY GERARD

Examiner

Marc R Filipczyk

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 March 2000 and 24 March 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-67 is/are pending in the application.
- 4a) Of the above claim(s) 1-48 and 63-67 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 49-62 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4, 5, 7.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

### **DETAILED ACTION**

This Action is responsive to application filed on March 10, 2000 in which claims 1-67 were presented for examination. However, as a result of Examiner's request for Restriction, Applicant elected claims 49-62, hence claims 1-48 and 63-67 are withdrawn. The IDS filed on May 25, 2000, June 26, 2000 and January 16, 2003 have been noted.

#### ***Specification***

The abstract of the disclosure is objected to because the elected claims by the Applicant change the scope of the invention. New abstract is requested. Correction is required. See MPEP § 608.01(b).

The disclosure is objected to because of the following informalities: The Specification should contain a separate heading for each body of the disclosure (e.g., background, field of the invention, summary...).

Appropriate corrections are required.

#### ***Election/Restrictions***

Applicant's election of Group II, claims 49-62 in Paper No. 9 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 55-62 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 55, 58, 61 and 62, the phrase "the optimum" is indefinite. How does one define optimum? What are its credentials?

Regarding claims 56, 57, 59 and 60 depend from claims 55 and 58 respectively and therefore inherit the deficiencies of those claims.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 49-62 are rejected under 35 U.S.C. 102(e) as being anticipated by Czerwinski et al (U.S. Patent No. 6,243,093).

Regarding claims 49, 51, 52 and 54, Czerwinski discloses a data display apparatus/method for displaying the relationships between sets of data (content of each object), the apparatus comprising: (title)

data receiving means for receiving sets of data and similarity values for the similarity between the sets of data; (col. 1, lines 11-15 and col. 18, lines 8-16)

display control means for controlling said display means to display representations for said sets of data separated in accordance with said similarity values (abstract, lines 6-10) and to display in a first style links between said representations which correspond to sets of data having a strong similarity value, and in a second style links between said representations which correspond to sets of data having a weak similarity (fig. 11 O, fig. 12 C-E and col. 19, lines 49-51 and col. 21, lines 3-5).

(Note: links displayed in different colors according to similarity of objects and threshold)

Regarding claims 50 and 53, Czerwinski discloses display means to display said representations as images of said sets of data (col. 6, lines 26-32 and 38-42).

Regarding claims 55, 58, 60 and 61, Czerwinski discloses a data display apparatus/method for displaying the relationships between sets of data (content of each object), the apparatus comprising: (title)

data receiving means for receiving sets of data and similarity values for the similarity between the sets of data; (col. 1, lines 11-15 and col. 18, lines 8-16)

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arrangement calculation means for calculating the optimum arrangement of representations for said sets of data on display means so that the representations are spaced according to said similarity values; (abstract, lines 6-10)

display control means for controlling said display means to display said representations arranged in accordance with said calculation; (abstract, lines 6-10) and

user selection means allowing a user to select and move a said representation (fig. 19B, blocks 1928, 1930, 1932 and 1938).

Regarding claims 56, 59, 57 and 60, Czerwinski discloses identifying dragged objects (fig. 19B, block 1928) in relation to other objects (fig. 19B, block 1930) and, calculating and updating the location of the object in relation to other objects (fig. 19B, block 1932).

(Note: dragging an object requires control of display)

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of art with respect to display systems based on similarity and proximity:

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U.S. Patent No. 6,211,876 of Ackermann et al.

U.S. Patent No. 6,405,195 of Ahlberg.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc R Filipezyk whose telephone number is 703-305-7156.

The examiner can normally be reached on Mon-Fri, 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 703-308-1436. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

MF  
April 3, 2003



SAFET METJAHIC  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100